REMARKS

Claims 1-37 are currently pending, wherein claims 1, 6-9, and 30 have been amended. Applicant respectfully requests favorable reconsideration in view of the remarks presented herein below.

In paragraph 3 of the Office Action ("Action"), the Examiner rejects claims 1-37 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 6,094,427 to Yi ("Yi"). Applicant respectfully traverses this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 1-37 are not anticipated by Yi because Yi fails to disclose each and every claimed element as discussed below.

Independent claim 1 defines a method of test receiving alternative reception frequencies in a receiver that receives a continuous flow of information at a first reception frequency, the continuous flow of information including user terminating information. The method includes, *inter alia*, predicting an interruption in the flow of specific user terminating information, evaluating the interruption to determine whether it will be of an adequate length of time and generating a positive response if it is evaluated to be of an adequate length of time, changing the reception frequency of the receiver from the first reception frequency to an alternative reception frequency, and test receiving the alternative reception frequency.

Yi discloses an apparatus and method that combines a constituent coding/encoding sequence such as turbo coding with a soft handoff operation, so that a receiver can receive two differently coded data streams based on the same information signal via two different base

stations involved in the handoff. However, Yi fails to anticipate the present invention. More specifically, nowhere in Yi is there any disclosure of *predicting* an interruption in the flow of specific user terminating information, evaluating the interruption to determine whether it will be of an adequate length, changing the reception frequency of the receiver from a first reception frequency to an alternative frequency and testing the reception on the alternative frequency as claimed.

In rejecting claim 1, the Examiner asserts the Yi discloses a method for testing alternative frequencies as claimed inasmuch as Yi discloses a soft handoff system wherein a searcher receiver continuously scans the pilot's signals from the base station currently serving the mobile station as well as the pilot's signals from other base stations. To support this assertion, the Examiner points to Fig. 8, column 11, lines 65-67, and column 17, lines 20-39 of Yi. This assertion is unfounded for the following reasons.

First, nowhere in any of the cited passages is there any disclosure of predicting an interruption in the flow of specific user terminating information as claimed. To the contrary, Yi merely discloses performing a soft handoff. Although handoff procedures may be initiated by an interruption in the communication channel, they do not include predicting interruptions in the flow of specific user terminating information as claimed.

Second, the mere fact that Yi discloses a system which continuously monitors the pilot signals of neighboring base stations is not equivalent to testing an alternative frequency as claimed. According to the present invention as defined by claim 1, the reception frequency of the receiver is changed from a first frequency to an alternative frequency whose reception is then

tested. In contrast, the system of Yi simultaneously receives and processes the same signal from at least two base stations. Accordingly, independent claim 1 is not anticipated by Yi because Yi fails to disclose each and every claimed element.

Independent claim 30 defines a receiver configured to receive a continuous flow of information, including user terminating information, at a first reception frequency. The receiver includes, *inter alia*, an antenna, a demodulator, and a digital signal processing unit configured to carry out the method of claim 1. Therefore, independent claim 30 is not anticipated by Yi for at least those reasons presented above with respect to claim 1.

Claims 2-29 and 31-37 variously depend from independent claims 1 and 30. Therefore, claims 2-29 and 31-37 are patentable over Yi for at least those reasons presented above with respect to claims 1 and 30. Accordingly, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 1-37 under 35 U.S.C. § 102(b).

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

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Respectfully submitted,

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